

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: RICHARD EDMOND BERRY

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Application No. 10/045,111

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MAILED

JAN 31 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on November 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**EXAMINER'S ANSWER**

**NEW GROUND OF REJECTION**

On August 4, 2006, an Examiner's Answer was mailed. The Examiner's Answer included a new ground of rejection, where Claims 43-46 were rejected under 35 U.S.C. § 101.

Application No. 10/195,679

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. See MPEP § 1207.02

To correct this problem, the examiner will need to vacate the Examiner's Answer mailed August 4, 2006 and mail a Supplemental Examiner's Answer with the approval of the Technology Center Director or designee.

### **CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the examiner for:

1) vacating the Examiner's Answer mailed August 4, 2006, issuing a revised Examiner's Answer to include the approval of the Technology Center Director or his/her designee; and  
2) such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Application No. 10/195,679

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